



Sen. Michael W. Frerichs

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09800SB1589sam002

LRB098 08385 OMW 43097 a

1 AMENDMENT TO SENATE BILL 1589

2 AMENDMENT NO. _____. Amend Senate Bill 1589 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Finance Authority Act is amended
5 by changing Section 825-95 as follows:

6 (20 ILCS 3501/825-95)

7 Sec. 825-95. Emerald ash borer revolving loan program.

8 (a) The Illinois Finance Authority may ~~shall~~ administer an
9 emerald ash borer revolving loan program. The program shall
10 provide low-interest or zero-interest loans to units of local
11 government for the treatment of standing trees and replanting
12 of trees on public lands that are within emerald ash borer
13 quarantine areas as established by the Illinois Department of
14 Agriculture. The Authority shall make loans based on the
15 recommendation of the Department of Agriculture. For the
16 purposes of this Section, "treatment" means the

1 administration, by environmentally sensitive processes and
2 methods, of products and materials proven by academic research
3 to protect ash trees from the invasive Emerald Ash Borer, in
4 order to prevent or reverse the damage and save the trees.

5 (b) The loan funds, subject to appropriation, must be paid
6 out of the Emerald Ash Borer Revolving Loan Fund, a special
7 fund created in the State treasury. The moneys in the Fund
8 consist of any moneys transferred or appropriated into the Fund
9 as well as all repayments of loans made under this program.
10 Moneys in the Fund may be used only for loans to units of local
11 government for the treatment of standing trees and replanting
12 of trees within emerald ash borer quarantine areas established
13 by the Department of Agriculture and for no other purpose. All
14 interest earned on moneys in the Fund must be deposited into
15 the Fund.

16 (c) A loan for the treatment of standing trees and
17 replanting of trees on public lands within emerald ash borer
18 quarantine areas established by the Department of Agriculture
19 may not exceed \$5,000,000 to any one unit of local government.
20 The repayment period for the loan may not exceed 20 years. The
21 unit of local government shall repay, each year, at least 5% of
22 the principal amount borrowed or the remaining balance of the
23 loan, whichever is less. All repayments of loans must be
24 deposited into the Emerald Ash Borer Revolving Loan Fund.

25 (d) Any loan under this Section to a unit of local
26 government may not exceed the moneys that the unit of local

1 government expends or dedicates for the reforestation project
2 for which the loan is made.

3 (e) The Department of Agriculture may enter into agreements
4 with a unit of local government under which the unit of local
5 government is authorized to assist the Department in carrying
6 out its duties in a quarantined area, including inspection and
7 eradication of any dangerous insect or dangerous plant disease,
8 and including the transportation, processing, and disposal of
9 diseased material. The Department is authorized to provide
10 compensation or financial assistance to the unit of local
11 government for its costs.

12 (f) The Authority, with the assistance of the Department of
13 Agriculture and the Department of Natural Resources, shall
14 adopt rules to administer the program under this Section.

15 (Source: P.A. 95-588, eff. 9-4-07; 95-876, eff. 8-21-08.)

16 Section 10. The Illinois Municipal Code is amended by
17 changing Section 11-20-12 as follows:

18 (65 ILCS 5/11-20-12) (from Ch. 24, par. 11-20-12)

19 Sec. 11-20-12. Removal of infected trees.

20 (a) The corporate authorities of each municipality may
21 provide for the treatment or removal of elm trees infected with
22 Dutch elm disease or ash trees infected with the emerald ash
23 borer (*Agrilus planipennis* Fairmaire) from any parcel of
24 private property within the municipality if the owners of that

1 parcel, after reasonable notice, refuse or neglect to treat or
2 remove the infected trees. The municipality may collect, from
3 the owners of the parcel, the reasonable removal cost.

4 (b) The municipality's removal cost under this Section is a
5 lien upon the underlying parcel in accordance with Section
6 11-20-15.

7 (c) For the purpose of this Section, "removal cost" means
8 the total cost of the removal of the infected trees.
9 "Treatment" means the administration, by environmentally
10 sensitive processes and methods, of products and materials
11 proven by academic research to protect elm and ash trees from
12 an invasive disease in order to prevent or reverse the damage
13 and save the trees.

14 (d) In the case of an abandoned residential property as
15 defined in Section 11-20-15.1, the municipality may elect to
16 obtain a lien for the removal cost pursuant to Section
17 11-20-15.1, in which case the provisions of Section 11-20-15.1
18 shall be the exclusive remedy for the removal cost.

19 The provisions of this subsection (d), other than this
20 sentence, are inoperative upon certification by the Secretary
21 of the Illinois Department of Financial and Professional
22 Regulation, after consultation with the United States
23 Department of Housing and Urban Development, that the Mortgage
24 Electronic Registration System program is effectively
25 registering substantially all mortgaged residential properties
26 located in the State of Illinois, is available for access by

1 all municipalities located in the State of Illinois without
2 charge to them, and such registration includes the telephone
3 number for the mortgage servicer.

4 (Source: P.A. 95-183, eff. 8-14-07; 96-462, eff. 8-14-09;
5 96-856, eff. 3-1-10.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law."